

BARNES & THORNBURG LLP

11 South Meridian Street
Indianapolis, Indiana 46204
(317) 236-1313
(317) 231-7433 Fax

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>Customer No.</i>	23643	}
		}
<i>Group:</i>	3781	}
		}
<i>Confirmation No.:</i>	9693	}
		}
<i>Application No.:</i>	10/576,337	}
		}
<i>Invention:</i>	AN ARTICLE OF LUGGAGE	}
		}
<i>Inventor:</i>	Sedat Selvi	}
		}
<i>Filed:</i>	March 14, 2007	}
		}
<i>Attorney</i>		}
<i>Docket:</i>	38566-79926	}
		}
<i>Examiner:</i>	Mai, Tri M.	}

DECLARATION UNDER 37 CFR 1.131

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I declare as follows:

1. I have fifteen (15) years of experience in the luggage industry. I have been employed by Landor & Hawa International Limited, the assignee of the captioned patent application, for ten (10) years. Currently, I am Director of Landor & Hawa International Limited and have held this for the last seven (7) years. Prior to becoming Director, I was General Manager for three (3) years. As Director, I am responsible for the sales of the luggage products of Landor & Hawa International Limited in the U.S., through Landor & Hawa U.S.A., Inc. which is a subsidiary of Landor & Hawa International Limited (collectively referred to herein as

“Landor & Hawa”), as well as being responsible for the sales of luggage products in all other countries throughout the world. I have a Degree in Computer Science and Statistics from the University of Strathclyde.

2. I am familiar with the captioned application for patent filed in the United States March 14, 2007. I understand that the Examiner has rejected claims 1, 26, 29, 30, 31, 32, 34 and 35 of the application under 35 U.S.C. §103(a) as being unpatentable over Hsieh (U.S. 20050056511 A1) in combination with other references. Hsieh was published on March 17, 2005 and was filed on September 16, 2003.

3. The invention described and claimed in at least claim 1 of the captioned application was conceived in the United Kingdom, a WTO member country, prior to September 16, 2003.

4. Exhibit A is a copy of design drawings of the subject matter of the captioned application. The date that the drawings were created is shown on each drawing in Exhibit A, but the dates have been redacted. The redacted date on each of the drawings is earlier than September 16, 2003. Comparing claim 1 of the present application to the Exhibit A drawing, support for the claim 1 limitations can be found or seen as follows:

Claim 1 Language	Exhibit A Disclosure
A soft suitcase including shaped lid and base forming sections,	See the “Perspective View” of the third sheet of Exhibit A which shows the lid forming section in gray and the base forming section in lavender.
wherein both the lid and base forming sections are moulded as one-piece tray like forms	See the color key for the “Perspective View” of the third sheet of Exhibit A which states “ Moulded Back Panel ” and “ Moulded Front Panel .” See the Back, Side, and Front Views of Exhibit A which shows that the lid and base forming sections are one-piece tray like forms.

and are both shape wise such that the soft suitcase has no internal/external perimeter framing around the entire periphery of the lid and base forming sections and has no reinforcing side, base and back panels so that the soft suitcase is not of box construction,	See the "Description" in the upper left hand corner of the first and second pages of Exhibit A which state "EVA Back Panel for ALL EVA construction trolley." See the "Description" in the upper left hand corner of the third page of Exhibit A which states " FRAMELESS EVA Trolley Case."
wherein the lid and base forming sections are hinged connected together by a zip fastener arrangement that provides both an opening and closing facility for the suitcase and additionally selective expansion of a storage volume of the suitcase,	See the "MAIN SECTION ZIPPER" and the "EXPANDER ZIPPER" in the "VIEW SHOWING BASE ASSEMBLY" in the lower right hand portion of the third page of Exhibit A.
wherein a pair of wheels is provided at one end of the base forming section, there being one such wheel for each corner of said end,	See the "CORNER WHEELS" in the "VIEW SHOWING BASE ASSEMBLY" in the lower right hand portion of the third page of Exhibit A.
wherein both the lid and base forming sections comprise foamed plastics material.	See the reference to "EVA" in the "Description" in the upper left hand corner of the three pages of Exhibit A. EVA is a known foamed plastics material.

5. An actual reduction to practice of the invention of the above captioned application was diligently developed after the original conception of the invention. However, for purposes of antedating the Hsieh reference a constructive reduction to practice is relied upon via the filing of British Patent Application No. 0324487.8.

6. Exhibit B is a copy of British Patent Application No. 0324487.8 which is the earliest application to which the captioned application claims priority. British Patent Application

No. 0324487.8 was prepared and filed with due diligence after the conception of the invention. British Patent Application No. 0324487.8 was filed October 21, 2003.

7. Figs. 2 and 3 of British Patent Application No. 0324487.8 are copies of two of the images included in the drawings of Exhibit A.

8. Figs. 4 and 5 of British Patent Application No. 0324487.8 are copies of digital photographs of an actual reduction to practice of the invention claimed in the captioned application.

9. Accordingly, the claimed invention of at least claim 1 was conceived in a WTO member country prior to September 16, 2003 and was constructively reduced to practice with due diligence thereafter via the filing of British Patent Application No. 0324487.8. Comparing claim 1 of the present application to British Patent Application No. 0324487.8, support for the claim 1 limitations can be found or seen as follows:

Claim 1 Language	Disclosure in British Patent Application No. 0324487.8 of Exhibit B
A soft suitcase including shaped lid and base forming sections,	See the sentence at page 4, lines 1-4 which states, "Referring now to the drawings and more particularly to Figures 1 and 2 the case shown in Figure 1 can be regarded as incorporating lid and base sections 1, 2 respectively of a tray like form moulded from a foamed plastics material known under the trade name EVA."
wherein both the lid and base forming sections are moulded as one-piece tray like forms	See the sentence at page 4, lines 1-4 which states, "Referring now to the drawings and more particularly to Figures 1 and 2 the case shown in Figure 1 can be regarded as incorporating lid and base sections 1, 2

	respectively of a tray like form moulded from a foamed plastics material known under the trade name EVA.”
and are both shape wise such that the soft suitcase has no internal/external perimeter framing around the entire periphery of the lid and base forming sections and has no reinforcing side, base and back panels so that the soft suitcase is not of box construction,	<p>See the discussion at page 2, lines 4-11 which states the following:</p> <p>“Whilst the provision of an internal framework is a standard/common feature of ‘soft’ case construction it is known to avoid using the framework extending around the internal periphery of a ‘soft’ case and to provide instead plastics material i.e., P.E. side panels together with P.E. material base and back panels. These particular cases have become known as ‘Box’ construction or side panel cases.</p> <p>It is an object of the invention to eliminate such frames and the need for such re-enforcement arrangements.”</p>
wherein the lid and base forming sections are hinged connected together by a zip fastener arrangement that provides both an opening and closing facility for the suitcase and additionally selective expansion of a storage volume of the suitcase,	<p>See the sentence at page 3, lines 11-13 which states, “Preferably the two moulded sections are connected together by a zip fastener arrangement adapted for enabling the hinging of the two sections with respect to each other and to provide opening and closing facility to the case.” See the sentence at page 5, lines 23-25 which states, “The function of the secondary Zip fastener is to provide for expansion of the available volume of the suitcase by providing a gusset between the main and secondary Zip fasteners.”</p>

wherein a pair of wheels is provided at one end of the base forming section, there being one such wheel for each corner of said end,	See "CORNER WHEELS" 22 in Fig. 3.
wherein both the lid and base forming sections comprise foamed plastics material.	See the sentence at page 4, lines 1-4 which states, "Referring now to the drawings and more particularly to Figures 1 and 2 the case shown in Figure 1 can be regarded as incorporating lid and base sections 1, 2 respectively of a tray like form moulded from a foamed plastics material known under the trade name EVA."

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, or any patent issuing thereon.

Dated:

24/4/2006

By:



Paul Richardson
Director
of Landor & Hawa International Limited